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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,705	12/27/2001	Kelly C. Morgan	BS01.166	9197

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SHAW PITTMAN
IP GROUP
1650 TYSONS BOULEVARD
SUITE 1300
MCLEAN, VA 22102

EXAMINER

NGUYEN BA, PAUL H

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/026,705

Applicant(s)

MORGAN ET AL.

Examiner

Paul Nguyen-Ba

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This action is responsive to Change of Address/Power of Attorney filed on April 1, 2003.
2. Claims 1-32 have been considered. Claims 1, 14, 25 are independent claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 4-7, 9, 10, 12, 14, 17-20, 23, 24, 27-29, 31, and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Getchius et al. ("Getchius"), U.S. Patent No. 6,643,640.

Claims

1. A computer readable medium encoded with structured information for expressing specific business content, the structured information comprising:

a plurality of categories, wherein each category represents an aspect of the business; and

Getchius

See Abstract; see also Figs. 18 and 21. Generic objects are created and used to represent business listings upon which a user may perform queries.

See Figs. 9, 10, 12, 14 and 44; see also col. 9 lines 37-43; col. 10 lines 1-17. Categories are associated with the various business listings.

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a plurality of elements associated with at least a subset of the plurality of categories, wherein each element represents a sub-aspect of the business,

See col. 61 lines 22-57. "Super-categories" may consist of a sub-set of the categories.

wherein the structured information is arranged hierarchically.

See col. 33 lines 6-10.

2. The computer readable medium of claim 1, wherein the structured information is extensible.

See col. 13 lines 27-35 → SGML

4. The computer readable medium of claim 1, wherein the structured information expresses an advertising medium.

See the last sentence of the Abstract and col. 5 lines 34-58.

5. The computer readable medium of claim 1, wherein the structured information expresses the specific business content of a dining guide.

See Fig. 12 → restaurant guide

6. The computer readable medium of claim 1, wherein at least one of categories comprises a graphic, a cover, an index and a map.

See Fig. 3, 11, 13, and 15.

7. The computer readable medium of claim 6, wherein the graphic comprises at least one item selected from the group consisting of an advertisement, amenities, advertiser descriptors and payment method.

Please refer to the rationale relied upon to reject claim 6 above.

9. The computer readable medium of claim 7, wherein the advertisement is identified by an ad ID and a copy ID.

See Figs. 60 and 61, col. 49 lines 48 *et seq.* → advertisement IDs; see also col. 57 lines 49 *et seq.* → copy nodes and IDs.

10. The computer readable medium of claim 6, wherein the graphic comprises a logo.

Please refer to the rationale relied upon to reject claim 6 above.

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12. The computer readable medium of claim 1, wherein at least some of the structured information is predetermined. See col. 9 lines 30-33 → predetermined top categories
18. ...hierarchical structure comprises information related to restaurants. See Figs. 11 and 12.
20. ...identification of an advertising type. See col. 51 lines 60-61.

Independent claim 14 incorporates substantially similar subject matter as independent claim 1, and is rejected along the same rationale.

With respect to claims 17 and 28, refer to the rationale relied upon to reject claim 5.

With respect to claims 19 and 27, refer to the rationale relied upon to reject claim 4.

With respect to claims 29, refer to the rationale relied upon to reject claim 20.

With respect to claims 23, 24, 31, and 32, please refer to the rationale relied upon to reject claim 6.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 11, 15, 16, 26, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Getchius et al. ("Getchius"), U.S. Patent No. 6,643,640.

Claims

3. The computer readable medium of claim 1, wherein the structured information is developed using extensible markup language (XML).

11. The computer readable medium of claim 1, wherein the structured information comprises a cuisine code.

Getchius

Getchius teaches the computer readable medium of claim 1 as discussed above, but does not specifically teach using extensible markup language for developing structured information. However, Getchius teaches the use of SGML, from which XML is a subset for the purpose of developing structured information.

It was commonly known and would have been obvious at the time the invention was made to a person having ordinary skill in the art to use XML for the purpose of developing structured information.

Getchius does not specifically teach a cuisine code. However, it was commonly known and would have been obvious at the time the invention was made to a person having ordinary skill in the art to include a cuisine code or identification in a dining guide for the purpose of serving as a shorthand symbol or representation of the type cuisine associated with a particular establishment.

With respect to claims 15, 16, and 26, please refer to the rationale relied upon to reject claim 3. Furthermore, it was commonly known and would have been obvious at the time the invention was made to a person having ordinary skill in the art that a DTD is associated with an XML file to define the legal building blocks of the XML document.

With respect to claim 32, refer to the rationale relied upon to reject claim 11.

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7. Claims 8, 13, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Getchius et al. ("Getchius"), U.S. Patent No. 6,643,640, in view of Zamora-McKelvy et al. ("Zamora"), U.S. Patent No. 5,991,770.

Claims

8. The computer readable medium of claim 7, wherein the advertisement is identified by a universal directory advertising code (UDAC).

13. The computer readable medium of claim 12, wherein an ad height and width are predetermined.

Getchius/Zamora

Getchius teaches the computer readable medium of claim 7 as discussed above, but does not specifically teach the advertisement being identified by a UDAC. However, Zamora teaches the identification of file information by means of a UDAC (col. 3 lines 2-5, 36-41) for the purpose of automatically generating a yellow page directory. Since Getchius and Zamora are both from the same field of endeavor, the purposes disclosed by Zamora would have been recognized in the pertinent art of Getchius. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Getchius with the teachings of Zamora to include an advertisement being identified by a UDAC.

Getchius teaches the computer readable medium of claim 12 as discussed above, but does not specifically teach a predetermined ad height and width. However, Zamora teaches predetermined data file information (col. 1 lines 48 *et seq.*) for the purpose of automatically generating a yellow page directory. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Getchius with the teachings of Zamora to include predetermined data ad properties such as height and width for the purpose of generating a yellow page directory.

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With respect to claim 21, refer to the rationale relied upon to reject claim 8.

With respect to claim 22, refer to the rationale relied upon to reject claim 13.

Conclusion


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Nguyen-Ba whose telephone number is (571) 272-4094.

The examiner can normally be reached from 10:30 am - 7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PNB


SANJIV SHAH
PRIMARY EXAMINER